

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, § CRIMINAL ACTION NO.
Plaintiff, §
§ 4:16-CR-176
v. §
§ **FILED UNDER SEAL**
JAMES MORRIS BALAGIA, §
Defendant. §

JOINT STATUS REPORT

This joint status report is filed pursuant to court order of June 4, 2019. (Dkt. 297)

The parties met and conferred¹ on June 12, 2019, at 3:00 p.m. by telephone. Defense counsel prepared this Joint Status Report and forwarded it to Government Counsel for review prior to filing.

The parties report the following:

The Government advises that Government's Motion and Memorandum in Support of Motion for Miscellaneous Relief (Dkt 255) is moot.

Motion for Miscellaneous Relief (Dkt. 252) was filed by Rafael De La Garza who is not a party to this trial. The parties do not know the status of De La Garza's motion.

The Court is correct in observing that it need not consider both the original Motion for Pre-Trial James Hearing (Dkt. 241) and the Corrected Motion for Pre-Trial James Hearing (Dkt. 242). The Corrected motion is the active pleading. The Government filed a response to this motion on Thursday, June 13, and the defense will file a Reply.

¹ Prosecutor Rattan advises she is unsure if the parties "conferred." Defense counsel requests that all further conferences be held on the record or via written communication such as email, as the parties have been unable to fully agree as to what each said during not only this conference but each conference that has been held thus far.

All other motions remain pending. The parties request rulings on the motions and a hearing if the Court seeks additional evidence or argument prior to ruling. The James hearing motion will require the James hearing if it is granted.

Respectfully submitted,

/S/DAPHNE PATTISON
SILVERMAN

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Certificate of Conference

Counsel certifies that this document was forwarded to Government counsel for review prior to filing. As noted in the footnote, Government counsel is not sure if the parties “conferred.”

/S/DAPHNE PATTISON SILVERMAN

Daphne Pattison Silverman

Certificate of Service

I certify that on June 14, 2019, this document was filed with the Clerk of the Court using the electronic case filing system that automatically sends notice of electronic filing to the attorneys of record who have consented to accept such service.

/S/DAPHNE PATTISON SILVERMAN

Daphne Pattison Silverman